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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,493	08/18/2003	Yoshihiro Katsumata	K-2073	1858
7590 06/24/2004 KANAESAKA AND TAKEUCHI 1423 Powhatan Street Alexandria, VA 22314			EXAMINER COONEY, JOHN M	
			ART UNIT 1711	PAPER NUMBER
DATE MAILED: 06/24/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/642,493	KATSUMATA, YOSHIHIRO	
	<b>Examiner</b>	<b>Art Unit</b>	
	John m Cooney	1711	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Scherzer et al.(6,031,013).

Scherzer et al. discloses preparations of polyurethane foams from high molecular weight polyols, isocyanates, foaming agents inclusive of water in amounts prescribed by applicants' claims, crosslinkers reading on applicants' claimed low molecular weight polyol, silicone-polyether stabilizers, and catalysts, wherein the reactants are combined in amounts and manners which meet the urethane/urea criteria of applicants' claims (see column 3 lines 51-65, column 4, column 5 line 31 et seq., column 7 line 30 et seq., column 8 lines 1-40, as well as, the entire document). It is seen that the cited reference adequately recites presence and amounts of crosslinker to a degree with which the reference reads on the amounts of and presence of polyols as claimed.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Jourquin et al.(4,997,858).

Jourquin et al. discloses preparations of polyurethane foams from high molecular weight polyols, isocyanates, foaming agents inclusive of water in amounts prescribed by

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applicants' claims, crosslinkers reading on applicants' claimed low molecular weight polyol, silicone-polyether stabilizers, and catalysts, wherein the reactants are combined in amounts and manners which meet the urethane/urea criteria of applicants' claims (see examples, as well as, the entire document). It is seen that the cited reference adequately recites presence and amounts of crosslinker to a degree with which the reference reads on the amounts of and presence of polyols as claimed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scherzer et al.(6,031,013) & Jourquin et al.(4,997,858), each taken individually.

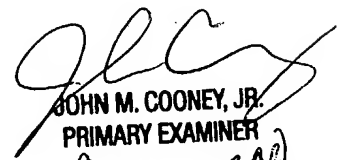
Scherzer et al. & Jourquin et al., each taken individually, disclose preparations of polyurethane foams from high molecular weight polyols, isocyanates, foaming agents inclusive of water in amounts prescribed by applicants' claims, crosslinkers reading on applicants' claimed low molecular weight polyol, silicone-polyether stabilizers, and catalysts, wherein the reactants are combined in amounts and manners which meet the urethane/urea criteria of applicants' claims (see examples, as well as, the entire document).

Patentees' teachings differ in that low molecular weight polyols are not particularly recited to be employed in amounts as recited by applicants' claims. However, the references do disclose their employment for their crosslinking effect. Accordingly, it would have been obvious for one having ordinary skill in the art to have employed the low molecular weight crosslinking polyols in varied amounts within the teachings of Scherzer et al. & Jourquin et al. for the purpose of controlling their polymer structure rigidifying effect in order to arrive at the products of applicants' claims with the expectation of success in the absence of a showing of new or unexpected results.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Cooney whose telephone number is 571-272-1070. The examiner can normally be reached on M-F from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck, can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JOHN M. COONEY, JR.  
PRIMARY EXAMINER  
Group 1700